IFW

PATENT
ATTORNEY DOCKET NO. 06132/091001

Certificate of Mailing: Date of Deposit: July 16, 2004

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gabriella Fercu
Printed name of person mailing correspondence

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Richard A. Weltzin et al.	Art Unit:	Not Yet Assigned
Serial No.:	10/826,680	Examiner:	Not Yet Assigned
Filed:	April 16, 2004	Customer No.:	21559
Title:	Vaccinia Virus Strains		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants submit the references listed on the enclosed Form PTO 1449

Submission of this statement is not a representation that a search has been made, nor is the inclusion of information in this statement an admission that the information is material to patentability.

Under 35 U.S.C. § 120, this application relies on the earlier filing date of application serial number 10/445,671, which was filed on May 27, 2003 and of application serial number 09/840,751, which was filed on April 23, 2001. The following

references were submitted to and/or cited by the Office in the prior applications and, therefore, copies of these references are not provided for this application.

4,315,914, February 16, 1982, Arakawa et al.

4,567,147, January 28,1986, Ooi et al.

5,656,465, August 12, 1997, Panicali et al.

0 157 528, October 09, 1985, EPO

DT 2 145 477, March 15, 1973, Germany

Halstead et al., "Selection of Attenuated Dengue 4 Viruses by Serial Passage in Primary Kidney Cells," Am. J. Trop. Med. Hyg. 33(4):666-671, 1984

Henderson et al., "Consensus Statement: Smallpox as a Biological Weapon. Medical and Public Health Management," JAMA 281:2127-2137, 1999

Jennings et al., "Virus Vaccines," In: Virus Culture, a Practical Approach, ed. A.J. Cann, Oxford University Press, New York 149-182, 1999

Kutinova et al., "Search for Optimal Parent for Recombinant Vaccinia Virus Vaccines. Study of Three Vaccinia Virus Vaccinal Strains and Several Virus lines Derived from them," Vaccine 13:487-493, 1995

Kutinova et al., "Influence of the Parental Virus Strain on the Virulence and Immunogenicity of Recombinant Vaccinia Viruses Expressing HBV preS2-S Protein or VZV Glycoprotein I," Vaccine 14:1045-1052, 1996

Lee et al., "Molecular Attention of Vaccinia Virus: Mutant Generation and Animal Characterization," Journal of Virology 66:2617-2630, 1992

LeDuc et al., "Current Status of Smallpox Vaccine," Emerging Infectious Diseases 5:593, 1999

Liprandi, "Isolation of Plaque Variants Differing in Virulence from the 17D Strain of Yellow Fever Virus," J. gen. Virol 56:363-370, 1981

Marchevsky et al., "Phenotypic Analysis of Yellow Fever Virus Derived from Complementary DNA," The American Society of Viral Medicine and Hygiene 5200:75-80, 1995

Weltzin et al., "Clonal Vaccinia Virus Grown in Cell Culture as a New Smallpox

Vaccine," Nature Medicine 9:1125-1130, 2003

Applicants further submit that the text of the specification of U.S. Patent Application Serial No. 10/445,671, as cited on the Form PTO 1449, is identical to that of U.S. Patent No. 6,723,325, which is also cited.

This statement is being filed within three months of the filing date of the application.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 16, 2004

Susan M. Michaud, Ph.D.
Reg. No. 42,885

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

SUBSTITUTE FORM PTO-1449 (MODIFIED) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket No.	06132/091001
	Serial No.	10/826,680
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Applicant	Richard A. Weltzin et al.
	Filing Date	April 16, 2004
	Group	Not Yet Assigned
(37 C.F.R. § 1.98(b))	IDS Filed	July 16, 2004

U.S. PATENTS

Examiner's Initials	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date (If Appropriate)
	4,315,914	02/16/82	Arakawa et al.			
	4,567,147	01/28/86	Ooi et al.			
	6,723,325	04/20/04	Weltzin et al.			
	5,656,465	08/12/97	Panicali et al.			
	6,723,325	04/20/04	Weltzin et al.			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

Examiner's Initials	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation (Yes/No)
	0 157 528	10/09/85	EPO			
	DT 2 145 477	03/15/73	Germany			
	WO 02/085411 A1	10/31/02	PCT			

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PLACE OF PUBLICATION)

	Halstead et al., "Selection of Attenuated Dengue 4 Viruses by Serial Passage in Primary Kidney Cells," Am. J. Trop. Med. Hyg. 33(4):666-671, 1984.
	Henderson et al., "Consensus Statement: Smallpox as a Biological Weapon. Medical and Public Health Management," JAMA 281:2127-2137, 1999.
	Jennings et al., "Virus Vaccines," In: Virus Culture, a Practical Approach, ed. A.J. Cann, Oxford University Press, New York 149-182, 1999.
	Kutinova et al., "Search for Optimal Parent for Recombinant Vaccinia Virus Vaccines. Study of Three Vaccinia Virus Vaccinal Strains and Several Virus lines Derived from them," Vaccine 13:487-493, 1995.
	Kutinova et al., "Influence of the Parental Virus Strain on the Virulence and Immunogenicity of Recombinant Vaccinia Viruses Expressing HBV preS2-S Protein or VZV Glycoprotein I," Vaccine 14:1045-1052, 1996.
	Lee et al., "Molecular Attention of Vaccinia Virus: Mutant Generation and Animal Characterization," Journal of Virology 66:2617-2630, 1992.
	LeDuc et al., "Current Status of Smallpox Vaccine," Emerging Infectious Diseases 5:593, 1999.
	Liprandi, "Isolation of Plaque Variants Differing in Virulence from the 17D Strain of Yellow Fever Virus," J. gen. Virol 56:363-370, 1981.

	Marchevsky et al., "Phenotypic Analysis of Yellow Fever Virus Derived from Complementary DNA," The American Society of Viral Medicine and Hygiene 5200:75-80, 1995.
	Weltzin et al., "Clonal Vaccinia Virus Grown in Cell Culture as a New Smallpox Vaccine," Nature Medicine 9:1125-1130, 2003.
	Weltzin et al., U.S. Patent Application Serial No. 10/445,671, filed May 27, 2003
EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.	